IN THE HIGH COURT OF BOMBAY AT PANAJI

WRIT PETITION NO. 236 OF 2007

Shri Floriano Conceicao Lobo,
r/o Pirazona,
Moira-Bardez-Goa. .... Petitioner

V/s

1. State of Goa, through its
Chief Secretary, Secretariat, Porvorim-Goa.

2. The Panchayat of Calangute,
Through its Sarpanch, Calangute, Bardez-Goa.

3. The Town and Country Planning Department,
Through its Chief Town Planner,
Town and Country Planning Department,
Dempo Towers, Patto, Panjim-Goa.

4. The Coastal Zone Management Authority,
Through its Member Secretary,
Science & Technology Department,
Saligao-Bardez-Goa.

5. The Secretary,
Ministry of Environment and Forests,
Government of India,
Paryavaran Bhavan, C.G.O. Complex,
Lodi Road, New Delhi – 110 003.

6. Messrs. La Calypso Hotel,
Through its Managing Director,
Sauntavaddo, Calangute, Bardez-Goa.

7. Messrs. Hotel Estrala do Mar,
Through its Managing Director,
Cobravaddo, Calangute, Bardez-Goa.

8. Messrs. Shree Par Fragrance,
Represented through Mrs. Ashok Bhatt,

Farhenheit, Survey No. 239/15,
Cobravaddo, Calangute, Bardez-Goa.

9. Goa State Information Commission,
Ground Floor, Shram Shakti Bhavan,
Patto, Panjim-Goa.

10. Mamlatdar of Bardez,
Govt. Complex, Mapusa, Bardez-Goa.

11. Dy. Collector, North,
Govt. Complex, Market,
Mapusa, Bardez-Goa.

12. Collector, North,
Collectorate, Panjim-Goa. .... Respondents

Petitioner in person.

Ms. W. Coutinho, Govt. Advocate for Respondents No. 1,3,9,10,11 & 12.

Mr. P.A. Kamat, Advocate for Respondent No.2.

Shri S.S. Kantak, Advocate General with Ms. L. Dharwadkar, Addl. Govt. Advocate for Respondent No.4.

Mr. V.A. Lawande, Advocate for Respondent No.8.

Coram : R.S. MOHITE &
N.A. BRITTO, JJ.

Date : 25th July, 2007

ORAL ORDER:

Heard the Petitioner and Shri Kantak, the learned Advocate General on behalf of Respondent No.4 - The Coastal Zone Management Authority.

2. The learned Counsel on behalf of Respondent No.4 states that a demolition notice in respect of the offending structure of Respondent No.6 was issued earlier, prior to the Collector submitting the report to this Court. Learned Counsel further states that a further notice would be issued after perusing the report of the Collector, in case the report of the Collector discloses that there are more structures which were not dealt with by the prior notice.

3. As regards Respondent no.7, learned Counsel states that a show cause notice in terms of the report of the Collector will be issued to Respondent No.7 within a period of one week and the proceedings resulting therefrom would be concluded within a period of three months.

4. As regards Respondent No.8, learned Counsel states that a show cause notice in terms of the report of Collector has already been issued to Respondent No.8. The learned Counsel states that proceedings in connection with the said show cause notice would be concluded within a period of three months. Shri Lawande, the learned counsel on behalf of Respondent No.8 states that pursuant to the show cause notice and stop work order issued by Respondent No.4, the work has already been stopped.

5. We accept the statements made on behalf of the Respondents by their respective Counsels.

6. We regret to note that Village Panchayat concerned, inspite of the report submitted to this Court by the Collector, has initiated no action against the offending structures. The learned Counsel Shri Kamat on behalf of the Village Panchayat states that on receipt and perusal of the said report appropriate action will be initiated by issuing show cause notices against Respondents No. 6, 7 & 8 within a period of ten days and concluded within a further period of three months, in accordance with law.

7. The Petitioner would be at liberty to appear before Respondent No.4 in case he so desires to be heard in the matter of the show cause notices issued and to be issued in relation to Respondents No. 6, 7 & 8.

8. Since Respondent No.4 has initiated action as regards the violations pointed out by the Petitioner, we feel that there is no need to keep the petition pending and, accordingly, the same is disposed off. The Petitioner has espoused a public cause and this he could do only at the cost of his time and money. He deserves to be compensated. Learned Advocate Shri Kantak submits that action against Respondent No.6 was initiated even before the

report of the Collector and there was no sufficient time to act in the matter as the Authority remains busy with a number of complaints. We do not propose to enter into this controversy. It is the duty of the Authority to monitor all illegal constructions coming up in the coastal zone and take appropriate action without waiting for the citizens to complain.

9. The report of the Collector, prima facie, indicates the illegalities carried out by the said Respondents. Considering the facts and circumstances of this case, we direct Respondents No. 6, 7 & 8 to deposit a sum of Rs. 5,000/- each in this Court within a period of one week, to be paid to the Petitioner by way of compensation.

10. Petition disposed off in the above terms.

R.S. MOHITE, J.

N.A. BRITTO, J.

NH/-